

Applic. No. 10/650,051

Amdt. dated September 27, 2007

Reply to Office action of July 17, 2007

RECEIVED
CENTRAL FAX CENTER

SEP 27 2007

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-9, 12-18, and 21 are now in the application. Claim 1 has been amended. Claims 10, 11, 19, and 20 were previously cancelled. Claim 21 has been added. Support for claim 21 can be found in claims 1, 16, and 17. No new matter has been added.

In item 2 on page 2 of the above-identified Office action, claims 1, 2, 5, 6-9, 12, 14, and 18 have been rejected as being obvious over Menard (U.S. Patent No. 6,042,101) in view of Higashi (U.S. Patent No. 6,935,237 B2) under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 14, lines 16-26 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Applic. No. 10/650,051

Amdt. dated September 27, 2007

Reply to Office action of July 17, 2007

Claim 1 calls for, *inter alia*:

the sensor electronics having an evaluation device configured for distinguishing between an exposure layer of the printing plates, the interlayers, and a rear of the printing plates.

On page 2 of the Office action, the Examiner alleges that "the rear underside may be the exposure layer".

It is respectfully noted that the Examiner's allegation is not accurate. The Menard reference explicitly discloses that the controller detects the presence or absence of an interleaf which may adhere to the underside of a media plate (column 13, lines 43-46). The present invention as claimed requires that the evaluation unit is configured for distinguishing between an exposure layer of the printing plates, the interlayers, and a rear (underside) of the printing plates. As seen from the page 14, lines 22-23 of the specification, the rear of the printing plates is the opposite side of the printing plate from the exposure layer. This precludes the rear underside from being the exposure layer. Therefore, it is respectfully noted that the Examiner's allegation pertaining to the rear underside being the exposure layer, is not accurate.

Applic. No. 10/650,051
Amdt. dated September 27, 2007
Reply to Office action of July 17, 2007

The Menard reference discloses two different kinds of paper sensors (140 and 149).

Menard discloses that the conductive paper sensor (149) detects the presence or absence of an interleaf, which may adhere to the underside of the media plate (M) (column 13, lines 40-45). Menard does not disclose that the conductive paper sensor (149) can distinguish between different surfaces of printing plates and interleaf layers.

As disclosed on page 16, line 26 to page 17, line 3 of the specification of the instant application the surfaces of printing plates may include plastic or other non-metallic carrier materials.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The reference does not show or suggest the sensor electronics having an evaluation device configured for distinguishing between an exposure layer of the printing plates, the interlayers, and a rear of the printing plates, as recited in claim 1 of the instant application. The Menard reference discloses a conductive paper sensor for detecting the presence

Applic. No. 10/650,051

Amdt. dated September 27, 2007

Reply to Office action of July 17, 2007

of an interleaf, which may adhere to the underside of a media plate. Menard does not disclose sensor electronics configured for distinguishing between an exposure layer of the printing plates, the interlayers, and a rear of the printing plates. This is contrary to the invention of the instant application as claimed, in which the sensor electronics have an evaluation device configured for distinguishing between an exposure layer of the printing plates, the interlayers, and a rear of the printing plates.

The reference applied by the Examiner does not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

The following further remarks pertain to the method claim 12.

As will be explained below, it is believed that claim 12 was patentable over the cited art in its original form and the claim has, therefore, not been amended to overcome the reference.

Claim 12 calls for, *inter alia*:

Applic. No. 10/650,051

Amdt. dated September 27, 2007

Reply to Office action of July 17, 2007

distinguishing between an exposure layer of the printing plates, the interlayers, and a rear of the printing plates before providing the printing plates for further processing.

As noted above, Menard does not disclose distinguishing an exposure layer of the media plates. Menard only discloses distinguishing between the underside (rear) of the media plate and the interleaf.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The reference does not show or suggest distinguishing between an exposure layer of the printing plates, the interlayers, and a rear of the printing plates before providing the printing plates for further processing, as recited in claim 12 of the instant application. The Menard reference discloses a conductive paper sensor for detecting the presence of an interleaf, which may adhere to the underside of a media plate. Menard does not disclose distinguishing between an exposure layer of the printing plates, the interlayers, and a rear of the printing plates. This is contrary to the invention of the instant application as claimed, which recites distinguishing between an exposure layer of the printing plates, the

Applic. No. 10/650,051

Amdt. dated September 27, 2007

Reply to Office action of July 17, 2007

interlayers, and a rear of the printing plates before providing the printing plates for further processing.

The reference applied by the Examiner does not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Since claims 1 and 12 are allowable over Menard, dependent claims 2, 5, 6-9, 14, and 18 are allowable over Menard as well.

In item 3 on page 4 of the Office action, claim 16 has been rejected as being obvious over Menard (U.S. Patent No. 6,042,101) in view of Pratt (U.S. Patent No. 5,889,313) under 35 U.S.C. § 103. Pratt does not make up for the deficiencies of Menard. Since claim 1 is allowable, dependent claim 16 is allowable as well.

In item 4 on page 4 of the Office action, claims 3 and 13 have been rejected as being obvious over Menard (U.S. Patent No. 6,042,101) in view of Ganton (U.S. Patent No. 6,130,702) under 35 U.S.C. § 103. Ganton does not make up for the deficiencies of Menard. Since claims 1 and 12 are allowable, dependent claims 3 and 13 are allowable as well.

Applic. No. 10/650,051
Amdt. dated September 27, 2007
Reply to Office action of July 17, 2007

In item 5 on page 6 of the Office action, claim 4 has been rejected as being obvious over Menard (U.S. Patent No. 6,042,101) and further in view of Ganton (U.S. Patent No. 6,130,702) and Nakamura et al. (U.S. Patent No. 5,499,807) (hereinafter "Nakamura") under 35 U.S.C. § 103. Ganton and Nakamura do not make up for the deficiencies of Menard. Since claim 1 is allowable, dependent claim 4 is allowable as well.

In item 6 on page 7 of the Office action, claim 15 has been rejected as being obvious over Menard (U.S. Patent No. 6,042,101) in view of Nakamura et al. (U.S. Patent No. 5,499,807) (hereinafter "Nakamura") under 35 U.S.C. § 103. Nakamura does not make up for the deficiencies of Menard. Since claim 12 is allowable, dependent claim 15 is allowable as well.

It is appreciatively note from item 7 on page 8 of the Office action that claim 17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims have not been amended as indicated by the Examiner, as the claims are believed to be patentable in their existing form. However, a new claim 21 has been added. Claim 21 is claim 1 amended to include the subject matter of allowable method claim 17 and

Applic. No. 10/650,051

Amdt. dated September 27, 2007

Reply to Office action of July 17, 2007

intervening claim 16. Therefore, claim 21 should be allowable.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 12, or 21. Claims 1, 12, and 21 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 12, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-9, 12-16, 18, and 21 are solicited.

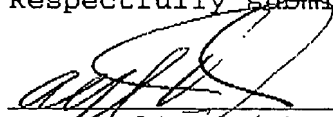
In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Applic. No. 10/650,051
Amdt. dated September 27, 2007
Reply to Office action of July 17, 2007

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,



For Applicant(s)

Alfred K. Dassler
52,794

AKD:cgm

September 27, 2007

Lerner Greenberg Stemer LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101